

IN THE UNITED STATES DISTRICT COURT  
IN THE MIDDLE DISTRICT OF PENNSYLVANIA

Andrew Mauder, : Complaint  
Plaintiff, :

v. :

Kathy Brittain, Superintendent, : Civil Indictment No. \_\_\_\_\_

Jennifer Newberry, :

Sergeant John Doe, :

Corrections Officer John Doe, :

Lieutenant Newberry, :

Captain Reese, :

Defendants, :

FILED  
SCRANTON  
FEB 10 2021  
PER [Signature]  
DEPUTY CLERK

Plaintiff's Complaint,

Plaintiff Andrew Mauder, by and through Pro Se,  
for his first Complaint against Defendants  
Kathy Brittain, Jennifer Newberry, Sergeant  
John Doe, Corrections Officer John Doe,  
Lieutenant Newberry, and Captain Reese  
and allege as follows:

Jurisdiction and Venue

1) This Court has jurisdiction over this

action under 28 U.S.C. §§ 1331, 1343(3), (4).  
The matters in controversy arise under  
42 U.S.C. § 1983.

2) Venue properly lies in this district  
pursuant to 28 U.S.C. § 1391(b)(2)  
because the events giving rise to this  
matter, or cause of action occurred  
at State Correctional Institution at  
Frackville, in Frackville, Pennsylvania which  
is located in the Middle District of  
Pennsylvania.

### Parties

3) Plaintiff Andrew Mauder, is and was at  
all times relevant hereto, an inmate  
in the custody of the Pennsylvania  
Department of Corrections (PaDoc). At  
the time of the events relevant  
hereto, Mr. Mauder was housed in  
Frackville State Prison. Mr. Mauder is  
currently housed in Frackville State  
Prison.

4.) Kathy Brittain, is and was at all times relevant hereto, the Superintendant of Frackville State Prison.

5.) Jennifer Newberry, is and was at all times relevant hereto the Grievance Co-Ordinator For Frackville State Prison, in charge of overall review and assignment of Grievances.

6.) Sergeant John Doe, is and was at all times relevant hereto, an Officer with Rank of Sergeant, assigned to E Block on date of events relevant hereto.

7.) Corrections Officer John Doe, is and was at all times relevant hereto, an Officer assigned to E Block on the date of events relevant hereto.

8.) Lieutenant Newberry is and was at all times relevant hereto, a Security Officer with Rank of Lieutenant.

9) Captain Reese is and was at all times relevant hereto, a Security Officer with Rank of Captain.

### Facts

10.) On or about August 20th, 2020, plaintiff was assigned to and resided in Cell 23, E Block, B Wing at Frackville State Prison.

11.) On the aforementioned date, Sergeant John Doe, and Corrections Officer John Doe moved plaintiff to Cell 29, E Block, B Wing, even after several warnings of conflict in that cell.

12.) Later, after plaintiff was moved to 29 Cell, Sergeant John Doe and Corrections Officer John Doe realized the fact that plaintiff was not aloud to reside in Cell 29 because of a Misconduct involving the other inmate.

13.) Defendants Sergeant John Doe and Corrections Officer John Doe moved plaintiff to 12 Cell, E Block, B Wing after 10-20 minutes.

14.) Plaintiff Filed a Grievance on August 21<sup>st</sup>, 2020 and was Filed to Jennifer Newberry whom subsequently Granted in Part and Denied in Part saying they did it, but wasn't giving me compensation.

15.) Plaintiff appealed to Kathy Brittain but was again subsequently denied.

16.) Plaintiff exhausted Administrative Remedy in accordance with the Prison Litigation Reform Act.

17.) Defendants Lieutenant Newberry and Captain Reese were informed by Plaintiff of incident and Plaintiff requested them to save the video feed.

Count One: Breach of Duty to Protect

18.) Plaintiff realleges and incorporates his allegations in Paragraphs 1-17 as if fully restated herein.

19.) Defendants Sergeant John Doe and Corrections Officer John Doe did exercise deliberate indifference by allowing the inmate and plaintiff into the same cell even after being verbally warned of the conflict.

20.) As a result of the deliberate indifference exercised by Defendants Sergeant John Doe and Corrections Officer John Doe, the plaintiff suffered serious Mental Anguish at the act of the Officers. Plaintiff suffered severe anxiety, and paranoia at being in the cell.

Count Two: Failure to Properly Train

21.) Plaintiff realleges and incorporates his allegations in Paragraphs 1-17 as if fully restated herein.

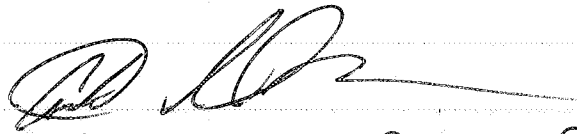
22.) Defendant Kathy Brittain did exercise deliberate indifference by not properly training the Officers what to do in the aforementioned event.

23.) As a result of the deliberate indifference exercised by the aforementioned Defendant, the Plaintiff suffers from severe Mental Anguish and anxiety as a result of the aforementioned events.



WHEREFORE, Andrew Mauder prays For a judgement in his favor and damages in his favor against all Defendants in an amount sufficient to compensate him for Pain and Mental Anguish suffered by him as a result of the deliberate indifference and intentional misconduct of Defendants, but in no event less than \$750,000.<sup>00</sup>, together with his attorney's fees and costs, and such additional relief the court may deem appropriate.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Andrew Mauder', with a long horizontal flourish extending to the right.

Andrew Mauder, Pro Se Plaintiff



IN THE UNITED STATES DISTRICT COURT  
IN THE MIDDLE DISTRICT OF PENNSYLVANIA

Andrew Mauder, : SUMMONS  
Plaintiff, :

v. :

Kathy Brittain, SuperIntendant, :

Jennifer Newberry, : No. \_\_\_\_\_

Sergeant John Doe, :

Corrections Officer John Doe, :

Lieutenant Newberry, :

Captain Reese, :

Defendants, :

To the above named Defendants:

You are hereby summoned to serve upon  
Plaintiffs, whose address is 1111 Altamonte  
Blvd. Frackville Pa. 17931, an answer to the  
Complaint which is herewith served upon you,  
within 30 days exclusive of the day of  
service. Failure to reply may result in  
judgement by default.

Clerk of Courts

Date:

INMATE MAIL  
PA DEPT OF CORRECTIONS

Andrew Mauder NM-7134

1111 Altamonte Blvd.

Frackville Pa. 17931

RECEIVED  
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FEB 10 2021

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LEGAL

LEGAL

Office of the Clerk, United States District Court  
Middle District of Pennsylvania  
235 N. Washington Ave., P.O. Box 1148  
Scranton Pa. 18501



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